

State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD
PUBLIC MEETING AGENDA

2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
&
100 North Barranca Street, Suite 410
West Covina, CA 91791

June 14, 2006
10:00 a.m.

ROLL CALL:

Candice A. Traeger, Chairwoman
Marcy V. Saunders, Board Member
Robert Pacheco, Board Member

MINUTES OF MAY 10, 2006

MINUTES OF MAY 31, 2006

ADMINISTRATIVE MATTERS

(Information regarding the general administration of cases pending before the Appeals Board.)

1. CALENDARING/CASELOAD

NEW BUSINESS

(The Appeals Board hears and discusses new reports presented by staff.)

OLD BUSINESS

(The Appeals Board hears and/or discusses matters on a follow-up basis.)

1. 2006 LEGISLATION
(Review and discuss legislation introduced that impacts the Appeals Board.)
2. 2005/06 BUDGET
(Review and discuss budget issues for this fiscal year.)
3. 2006/07 BUDGET
(Review and discuss budget issues for this fiscal year.)

CHAIRWOMAN'S REPORT

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
PUBLIC MEETING AGENDA
For June 14, 2006
Page 2

(Hear report from the Chair on issues affecting the Appeals Board.)

BOARD MEMBERS' REPORTS

(Hear reports from Board Members on issues affecting the Appeals Board.)

EXECUTIVE OFFICER'S REPORT

(Report regarding administrative matters and news from the Department and Appeals Board.)

STAFF REPORTS

(Reports from the Presiding ALJs and the Chief Counsel regarding matters from the Hearing Operations and Legal Units.)

Any matter not completed at this meeting may be continued to subsequent meetings.

PUBLIC COMMENT

(Public comment will be entertained during the discussion of each agenda item of the Open Meeting.)

APPEALS

(Report of statistics regarding appeals docketed by the Appeals Board for the current month, previous months, and previous four years.)

Intents to Appeal in May 2006	_____
Total Intents to Appeal to Date	_____
Appeals Docketed in May 2006	_____
Total Appeals Docketed to Date	_____
Appeals Packets Completed in May 2006	_____
Total Appeals Packets Completed to Date	_____

	2001	2002	2003	2004	2005	2006
January	387	586	482	357	422	405
February	302	420	405	421	435	320
March	421	320	470	513	400	506
April	372	559	526	416	406	259
May	612	589	359	325	187	
June	421	384	446	486	517	

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
PUBLIC MEETING AGENDA
For June 14, 2006
Page 3

July	410	511	367	320	372	
August	549	426	345	386	345	
September	350	374	448	269	380	
October	482	438	435	425	346	
November	507	368	331	332	326	
December	447	389	621	509	442	
TOTAL	5255	5367	5235	4762	4651	

Recess to Closed Session to discuss matters pursuant to Government Code § 11126 (a), (c) (3), and (e) and Labor Code sections 6609 and 6620.

The next Public Meeting/Closed Session is scheduled
Wednesday, June 28, 2006
Cal/ OSHA Appeals Board
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
&
100 North Barranca Street, Suite 410
West Covina, CA 91791

NOTICE TO PARTIES: Disability accommodation is available upon request. Any person with a disability requiring an accommodation, auxiliary aid or service, or a modification of policies or procedures to ensure effective communication and access to the programs of the Division of Occupational Safety and Health, should contact the Disability Accommodation Coordinator at the local district Office or the state-wide Disability Accommodation Coordinator at 1-866-326-1616 (toll free). The state-wide Coordinator can also be reached through the California Relay Service, by dialing 711 or 1-800-735-2929 (TTY) or 1-800-855-3000 (TTY-Spanish).

Accommodations can include modifications of policies or procedures or provision of auxiliary aids or services. Accommodations include, but are not limited to, an Assistive Listening System (ALS), a Computer-Aided Transcription System or Communication Access Realtime Translation (CART), a sign-language interpreter, documents in Braille, large print or on computer disk, and audio cassette recording. Accommodation requests should be made as soon as possible. Requests for an ALS or CART should be made no later than five (5) days before the hearing.

**For Further Information
Contact**

Janet M. Eagan
2520 Venture Oaks Way, Suite 300
Sacramento, CA 95833
(916) 274-5751

oshappeals@dir.ca.gov

<http://www.dir.ca.gov/oshappeals/>

**State of California
CALIFORNIA OCCUPATIONAL SAFETY AND HEALTH APPEALS BOARD**

CLOSED SESSION AGENDA
Government Code § 11126 (a), (c)(3), and (e)
For

Wednesday, June 14, 2006

10:00 a.m.

Sacramento, California
&
West Covina, California

TO: Members of the California Occupational Safety and Health Appeals Board

FROM: J. Jeffrey Mojcher, Chief Counsel

DATE: June 2, 2006

RE: Closed Session of the Board on June 14, 2006

Pursuant to Government Code section 11126, subdivisions (a), (c)(3), and (e) and the Labor Code sections 6609 and 6620, the Appeals Board will hear the following items in Closed Session.

DECISIONS OF ADMINISTRATIVE LAW JUDGES:

(Written decision issued by an Administrative Law Judge. The decision summarizes the evidence received from the Division of Occupational Safety & Health and the Employer, makes findings of fact for all issues involved in the appeal and gives reasons and grounds for the decision. The Board Members review the decision and decide if they will reconsider the ALJ decision on their own motion.)

1. A & C LANDSCAPING, INC., aka A & C CONSTRUCTION, INC., 03-R4D4-4791 THROUGH 4796
2. ASPECTS MODULAR, INC., 03-R3D3-2590 THROUGH 2592
3. BORDEN MFG., 04-R2D3-4390
4. COASTAL PALLET, 04-R4D5-2444 THROUGH 2446
5. CREAMER PAINTING & WALLCOVERING, INC., 03-R3D3-2585

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

PUBLIC MEETING AGENDA

For June 14, 2006

Page 5

ORDERS OF ADMINISTRATIVE LAW JUDGES:

(Written order issued by an Administrative Law Judge after a pre-hearing conference in which the Division of Occupational Safety & Health and the Employer agree to settle an appeal without a hearing. The Board Members review the order and decide if they will reconsider or remand the issued order.)

1. A & A GRAPHICS, 03-R3D1-4893 THROUGH 4896
2. ACCO ENGINEERED SYSTEMS, 03-R4D2-4956 AND 4957
3. ADORN CONSTRUCTION, INC., 05-R4D4-855
4. CITY OF ALAMEDA, ALAMEDA POWER & TELECOM, 04-R1D4-362
5. ALARIN AIRCRAFT HINGE, 05-R4D2-2547 THROUGH 2551
6. ALLIED STEEL CO., INC., 05-R4D2-3185 THROUGH 3188
7. ANDERSON WASTE WATER TREATMENT PLANT, 06-R2D7-0042 THROUGH 0044
8. B & B PLUMBING, INC., 05-R3D1-1923
9. CAVALINI, INC., 05-R4D1-1021
10. CHRISTIANSEN AMUSEMENTS, 05-R4D2-3011
11. COAST REBAR SERVICES, INC., 05-R4D1-2754
12. COMMONWEALTH ALUMINUM CORP., 05-R3D5-654
13. CUSTOM COILS, INC., 05-R6D1-2865 THROUGH 2868
14. DISH NETWORK CALIFORNIA SERVICE CORPORATION, 05-R3D5-1013 AND 1014
15. EAGLE STAR, INC, EAGLE STAR PLASTERING, 05-R3D3-358
16. EL DORADO TRUSS CO., INC., 05-R2D1-1426
17. ENESS TRADING CO., c/o M PLUS, 05-R4D1-658
18. ESBER DEVELOPMENT, 03-R4D2-5076 THROUGH 5080

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

PUBLIC MEETING AGENDA

For June 14, 2006

Page 6

19. EVERGREEN AT CHICO, LLC dba EVERGREEN TWIN OAKS HEALTH & REHABILITATION CENTER, 03-R2D3-5034
20. GFC CONSTRUCTION, 03-R4D3-4758 AND 4759
21. GANAHL LUMBER CO., 05-R3D1-2230
22. GANGI BUILDERS, INC., 05-R4D2-2544 AND 2545
23. GARMENT INDUSTRY LAUNDRY, 05-R4D3-2755
24. GIAMPOLINI & CO., 05-R1D1-2761
25. GLOBE REMODELING, INC., 05-R4D2-3766 THROUGH 3769
26. HARBISON MAHONEY HIGGINS, 05-R2D1-3893
27. WILLIAM M. HARTMAN dba HTL LOGGING, 05-R2D3-3486 AND 3487
28. HILTON HOTEL CORPORATION dba HOMEWOOD SUITES BY HILTON, 05-R1D4-4194
29. HILTON HOTEL CORPORATION dba HOMEWOOD SUITES BY HILTON, 05-R1D4-4195
30. INTERNATIONAL FILING COMPANY LLC, 05-R3D1-1778 AND 1779
31. JELD-WEN INTERIOR DOORS, 03-R2D1-4133 AND 4134
32. JOSE MONTOYA LABOR SERVICE #FL5012, 05-R2D4-4201
33. KD STEEL INC., 06-R1D5-0016
34. KEMCO INC., 04-R6D2-4313 THROUGH 4324
35. KENNEDY HIGH SCHOOL, FREMONT UNIFIED SCHOOL DISTRICT, 05-R1D4-4057 AND 4058
36. KISCO SALES, 05-R2D3-3663 AND 3664
37. KUHN HAY, 05-R6D2-481 THROUGH 483
38. L.A. COUNTY DEPARTMENT OF PUBLIC SOCIAL SERVICES, 05-R4D1-1094

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

PUBLIC MEETING AGENDA

For June 14, 2006

Page 7

39. L.H. WOODS & SONS, INC., 05-R5D2-399
40. LABOR READY S.W. INC., 05-R3D3-029
41. LIBERTY CABINETS, INC., 05-R6D2-3395 AND 05-R6D2-3452/3464
42. LOS ANGELES COUNTY DEPARTMENT OF PUBLIC SERVICES, DISTRICT 27, 05-R4D2-465
43. LOVHS, INC., LOVHS, INC., HYDRAULIC SERVICE, 05-R4D2-461 THROUGH 464
44. MRF CONSTRUCTION, 05-R2D3-2793 AND 2794
45. MAC CAL COMPANY, INC., 05-R1D2-2769 AND 2770
46. MATTMAN SPECIALTY VEHICLES, 05-R3D2-1180
47. MEGA PARTNERSHIP, 05-R1D5-2483 THROUGH 2486
48. MIDAS WEAR, INC., 05-R4D1-656 AND 657
49. MILCON SERVICES, INC., 05-R3D3-907 AND 908
50. ROBERT BRUCE MILLER, M.D., 05-R1D4-2069 THROUGH 2071
51. MOORE ELECTRICAL CONTRACTING, INC., 05-R3D3-027
52. MOUNT SHASTA RESORT, 05-R2D3-3661 AND 3662
53. NAVARO LANDSCAPE, LP, 05-R3D5-366 THROUGH 367
54. NEW UNITED MOTORS MANUFACTURING, INC., 03-R1D4-4818 THROUGH 4821
55. NOW, INC., 05-R2D1-3096
56. OCEANA SHEET METAL, 05-R3D1-2101
57. PADWORKS, INC., 05-R3D7-1092 AND 1093
58. PAPER SOURCE CONVERTING, INC., 04-R4D2-4566 AND 4567
59. PETER RABBIT FARMS, 05-R3D3-095 AND 096
60. PINER PRINTING, 05-R1D5-4065

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
PUBLIC MEETING AGENDA
For June 14, 2006
Page 8

61. PLANT ARCHITECTURAL WOODWORK, INC., 05-R6D1-3603 AND 3604
62. PROCARE TREE SERVICE, INC., 05-R3D1-3493
63. PRO MECHANICAL CORPORATION, 05-R3D3-1182 AND 1183
64. PUBLIC STORAGE, 05-R4D4-2756
65. RPAK, 05-R1D4-3892
66. RECYCLING INDUSTRIES, 05-R2D1-2743 AND 2744
67. REMEDY BLINDS, INC., 05-R3D1-1323
68. RIPPERY CORP., 05-R2D1-3729
69. ROBERTSON'S READY MIX, 03-R5D3-5229
70. S.C. ANDERSON CONSTRUCTION, 05-R3D1-1313
71. SEARLESS VALLEY MINERALS, 05-R3D3-4563
72. SELECT PERSONNEL, 05-R4D2-2546
73. SNIPES CONSTRUCTION, INC., 05-R2D1-1072
74. SOUTHERN CA EDISON, 03-R4D3-4691
75. STEEL STRUCTURES, INC., 03-R2D5-3169
76. THE ORMAN SARTWELL COMPANY, 05-R4D2-2850 AND 2851
77. TRAYLOR-SHEA-FRONTIER-KENNY, 03-R5D2-4797 THROUGH 4799
78. UNIVERSAL MOLDING CO., 03-R4D2-4603 THROUGH 4605
79. UTILITY TRUCK BODIES INC., 06-R6D1-1340 THROUGH 1347
80. WLCAC-WATTS LABOR COMMUNITY ACTION COMMITTEE, 05-R4D2-2852
81. WAL-MART STORE #1588, 03-R3D3-4348 AND 4349
82. WOODLAND FARMS, INC., 05-R6D2-3396 AND 3397

83. W. REYNEVELD CONSTRUCTION, INC., 05-R2D2-4526

84. YOUNG'S PAINTING SERVICE, 03-R3D5-3079 AND 3080

ORDERS DISMISSING APPEALS:

1. PREMIERE STUDIO RENTALS, 03-R4D3-4417

PETITIONS FOR RECONSIDERATION:

(The Division of Occupational Safety & Health and the Employer each has the right to petition the Appeals Board to reconsider a decision or order of an Administrative Law Judge. The Appeals Board must decide to grant or deny each petition.)

1. AC FRAMERS INC., 03-R2D3-3475

2. HUSSMAN CORPORATION, 03-R3D1-2939

DENIALS OF PETITIONS FOR RECONSIDERATION (DRAFTS):

1. ISLAND BACKHOE, INC., 02-R2D5-3667

2. TEICHERT AGGREGATES, 03-R5D1-1868 AND 1869

DECISIONS AFTER RECONSIDERATION (DRAFTS):

(If the Appeals Board grants a petition for reconsideration it reviews the facts of the appeal and then issues a decision after reconsideration upholding, reversing or modifying the underlying ALJ decision.)

ACE LATH & PLASTERING, 01-R6D1-4798 through 4806
B & T INDUSTRIES, 03-R6D1-847 THROUGH 852
BAY AREA SYSTEMS & SOLUTIONS, dba BASS ELECTRIC, 01-R1D3-106
BILL CALLAWAY & GREG LAY dba WILLIAMS REDI MIX, 03-R2D1-2400
BLUE DIAMOND MATERIALS, 02-R5D2-1268
BRYDENSOT METAL PRODUCTS, 03-R3D3-3554 AND 3555
CALDWELL-ROLAND ROOFING, INC., 03-R1D4-2905
CALIFORNIA FAMILY FITNESS, 03-R2D1-095 & 096
CITY OF LOS ANGELES FIRE DEPARTMENT, 03-R2D5-3960
COX COMMUNICATIONS, 03-R3D2-1942
DAVIS BROTHERS FRAMING, INC., 03-R3D1-0114

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

PUBLIC MEETING AGENDA

For June 14, 2006

Page 10

E. L. YEAGER CONSTRUCTION COMPANY, INC., 01-R5D3-3261
ETTER & SON CONSTRUCTION, INC., 03-R1D5-3130 & 3131
HARRIS CONSTRUCTION COMPANY, INC., 03-R2D5-3914
HEARN CONSTRUCTION, INC., 02-R6D1-3533 through 3536
HENSEL PHELPS CONSTRUCTION, 01-R2D1-1618 & 1619
ILH CONSTRUCTION, 02-R1D1-4171 & 4172
IMPERIAL HIGHWAY CHEVRON, 03-R4D2-2778 through 2780
J. F. SHEA CONSTRUCTION, INC., 02-R5D3-801
JAMES HIGBY ENGINEERING, 02-R4D3-4562 through 4567
JERLANE, INC., dba COMMERCIAL BOX AND PALLET, 01-R3D2-4344
K. A. BINE CONSTRUCTION, 03-R1D5-2031
KENNY-SHEA-TRAYLOR-FRONTIER/KEMPER, JV, 03-R5D2-0323
KIMES-MORRIS CONSTRUCTION, 02-R1D4-1204 through 1209 & 02-1273
KNOTT'S BERRY FARM, 01-R3D1-4331 & 4332
LONG BEACH CITY COLLEGE, 03-R3D5-2747
LOWPENSKY MOULDING, 03-R1D1-3405
MCI WORLDCOM INC., 00-R1D1-440 through 442
MEDALLION INDUSTRIES, INC., 02-R6D1-2825 through 2830
McDONALDS #10660, 03-R1D3-4116 & 4117
NIBBLELINK MASONRY CONSTRUCTION, 02-R3D3-1399 through 1401
NORTH FORK SPRINGS CONSTRUCTION, 02-R4D1-199 through 202
PMR RACE CARS, 03-R3D3-1824 & 1825
POUK & STEINLE, INC., 03-R4D2-1495 & 1496
RII PLASTERING INC., 02-R3D1-2679
RAMONA EQUIPMENT RENTAL, INC., 02-R3D2-2944 through 2948
SACRAMENTO MUNICIPAL UTILITY DISTRICT, 02-R2D1-1654 through 1656
SILVERCREST WESTERN HOMES, CORP., 03-R2D1-4305
STILES PAINT MANUFACTURING, 02-R1D4-1630
STRUCTURAL SHOTCRETE SYSTEM, 03-R4D3-986
SUN VALLEY SKYLIGHTS, INC., 03-R4D1-2613 & 2614
TRIO METAL, 03-R4D4-0316 & 0317
UNITED AIRLINES, 00-R1D5-2844
WAREHOUSE DEMO SERVICES, 03-R1D4-3427
WEST VALLEY CONSTRUCTION COMPANY, INC., 01-R1D2-3017 & 3018

PENDING LITIGATION

(If the Division of Occupational Safety & Health or the Employer disagrees with a decision after reconsideration or a denial of a petition for reconsideration, either one or both parties may apply to the California Superior Court for a writ of mandate. The Appeals Board receives legal advice from its Legal Unit and provides policy direction regarding pending litigation.)

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD
PUBLIC MEETING AGENDA
For June 14, 2006
Page 11

SUPERIOR COURT:

1. HFS INVESTMENTS, INC., 01CS00981 (96-3079)
2. DSS ENG. CONTRACTORS, 02CS00928 (99-1023)
3. TUTOR-SALIBA-PERINI (03CS803), 03CS00202 (97-3209/12)
4. SUNRISE WINDOW CLEANERS, INC., 03CS00300 (00-3220/21)
5. TEICHERT AGGRETATES, 03CS00659 (01-1193)
6. VANCE BROWN BUILDERS, 03CS00660 (00-3318/19)
7. BENICIA FOUNDRY/IRON WORKS, 03CS00802 (00-2976/2987)
8. HARBOR SAND & GRAVEL, INC., 03CS00974 (01-1016)
9. LUIS E AVILA (E & L AVILA LABOR), ECU01582 (00-4067)
10. ARB, INC., 03CS01454 (01-2119)
11. MOUNTAIN CASCADE, 03CS01655 (01-3561)
12. RUDOLPH & SLETTEN, 04CS00540 (01-478)
13. PACIFIC RESOURCE RECOVERY, 04CS00695 (00-1108)
14. MATAROZZI-PELSINGER BUILDERS, 04CS01204 (01-1400)
15. BLF Framing, Inc., 04CS01618 (02-1837/38)
16. DESILVA GATES CONSTRUCTION, 05CS00008 (01-2742)

APPELLATE COURT

1. BRAGG CRANE, (LA) B182094 (BS091587) 01-2428
2. TEICHERT CONSTRUCTION, C050709(02CS00517) 98-2512

CALIFORNIA OCCUPATIONAL SAFETY & HEALTH APPEALS BOARD

PUBLIC MEETING AGENDA

For June 14, 2006

Page 12

3. C. OVERAA & CO., CO51245 (04CS00570) 01-3560
4. THE HERRICK CORP., CO51506 (01CS00438) 97-1373

OTHER LEGAL MATTERS

(Any legal matter that comes about after the agenda is noticed 10 days in advance of the meeting announcement and that must be acted upon or legal matters pending before the Board requiring specific Board action but do not fall within the above categories.)

PERSONNEL *(Issues regarding staff.)*

Any matter not completed at this Closed Session may be continued to subsequent meetings.